

Stock Epinephrine Advisory Committee Bylaws

1. Name and Legal Authority

The Stock Epinephrine Advisory Committee ("Committee") is established in accordance with [Texas Education Code § 38.202](#).

Texas Government Code § 2110.008 (Duration of Advisory Committees) does not apply to the Stock Epinephrine Advisory Committee. The Committee is abolished when Texas Education Code § 38.202 is repealed.

2. Purpose and Role

The purpose of the Committee is to examine and review the administration of epinephrine auto-injectors to a person experiencing an anaphylactic reaction on a campus of a school district, an open-enrollment charter school, a private school, or an institution of higher education.

The Committee advises the Texas Department of State Health Services (DSHS) on matters as described below:

- A. The storage and maintenance of epinephrine auto-injectors on school campuses and campuses of an institution of higher education;
- B. The training of school personnel and school volunteers, and personnel and volunteers of an institution of higher education, in the administration of epinephrine auto-injector; and
- C. A plan for:
 - 1. One or more school personnel members or school volunteers trained in the administration of an epinephrine auto-injector to be on each campus;
 - 2. One or more personnel members or volunteers of an institution of higher education trained in the administration of an epinephrine auto-injector to be on each campus of an institution of higher education.
- D. The rules regarding the maintenance, administration, and disposal of an epinephrine auto-injector at a school campus and the

maintenance and administration of asthma medicine at a school campus, as appropriate.

3. Definitions

- A. "Conflict of interest" means a situation in which a member has a personal or private interest where they could benefit from actions or decisions made in their official capacity.
- B. "High Level of Integrity" means, for the purposes of these bylaws, that the member is honest and behaves in a morally upright way, at a level above a normal or average level, such that the public's trust in the member is warranted. A high level of integrity includes disclosing conflicts of interest as required by Health and Human Services (HHS) policy and these bylaws.
- C. "Personal or private interest" means an interest that does not include the member's engagement in a profession, trade, or occupation when the member's interest is the same as all others similarly engaged in the profession, trade, or occupation, or if the member merely provides a personal experience, with no personal or private financial interest, in giving feedback on the subject matter.
- D. "SME" means subject matter expert.

4. Committee Composition

The Committee is composed of voting members appointed by the DSHS Commissioner as described in [Texas Education Code § 38.202](#).

The membership categories and composition include:

- A. Physicians with expertise in treating anaphylaxis, including physicians who specialize in the fields of pediatrics, allergies, asthma, and immunology;
- B. Registered nurse(s) employed by a school district, open-enrollment charter school, or a private school as a school nurse;
- C. Employee(s) of a general academic teaching institution as defined in [Texas Education Code § 61.003](#); and
- D. Employee(s) of a junior college or a public technical institute.

Physician members (A) must be the majority of members on the Committee.

One alternate for each category will be appointed to serve when there is a vacancy due to a member resignation.

To the greatest extent possible, the DSHS Commissioner appoints members who reflect the diversity of the state.

5. Member Terms

All members will serve a term of four years, except when appointed to complete the remaining unexpired term of an outgoing member. A member of the advisory committee serves at the pleasure of the DSHS Commissioner. Terms may be served consecutively. Initial terms were staggered over several years to ensure continuity of Committee work so that the terms of one-fourth of the members will expire on August 31st of each year.

The expiration of membership terms occurs on August 31st of each year. Members shall serve after expiration of their term until a replacement is appointed. This ensures sufficient, appropriate representation.

6. Resignations and Vacancies

If any member of the Committee wishes to resign, the member will contact, in writing, the current Presiding Officer and the DSHS Committee Contact requesting the appointment of the alternate member. The alternate member for that category will be appointed to serve the remaining, unexpired portion of the term, provided the member still meets the qualifications of the category for which he or she is being appointed.

In the event of a vacancy for any reason, agency staff will work with the DSHS Commissioner to solicit applications as appropriate to fill the vacancies with a representative of the same membership category. Persons who submitted applications within the previous year but were not selected through DSHS may be reconsidered for membership.

7. Presiding Officer and Assistant Presiding Officer

The Committee shall elect a Presiding Officer to begin serving on September 1st of their term. The Presiding Officer will serve until August 31st of their term, or until the Committee elects his or her replacement.

The Presiding Officer will serve in their role for two years. The Presiding Officer will serve no more than two consecutive terms. In the event that the Presiding Officer is unable to complete his or her term for any reason, the Assistant Presiding Officer will assume the office.

The Committee shall elect an Assistant Presiding Officer to begin serving on September 1st of their term. The Assistant Presiding Officer will serve until August 31st of their term or until the Committee elects his or her replacement. The Assistant Presiding Officer will serve no more than two consecutive terms. Regardless of the expiration of the term, the Presiding Officer and Assistant Presiding Officer will serve until the Committee elects a successor; however, a presiding officer may not remain in office past his or her membership term.

The role of the Presiding Officer is to:

- A. Report to DSHS;
- B. Participate in agenda planning and preparation for Committee meetings;
- C. Provide leadership in conducting Committee meetings;
- D. Promote, maintain, and encourage a participatory environment;
- E. Identify the need for, and work with Committee Contact, to call meetings to accomplish the work of the Committee;
- F. Ensure the Committee adheres to its charge;
- G. Call for the establishment of subcommittees (if appropriate and with approval of agency staff); and
- H. Confer with DSHS staff to acquire the support needed for Committee operations.

The role of the Assistant Presiding Officer is to:

- A. Act for the Presiding Officer during his or her absence; and
- B. Assume the office and role of the Presiding Officer in the event of a vacancy, including all the duties as above.

8. Committee Operations and Meetings

A. Meetings

1. The Committee meets during regular business hours at least once a year.
2. A meeting may be called by the agreement of DSHS staff and either the Presiding Officer or at least three members of the Committee.
3. The Committee is subject to Texas Government Code Chapter 551 (the Texas Open Meetings Act).

B. Quorum

A majority of voting members constitutes a quorum for the purpose of transacting official business. (To calculate a majority for a committee with an even number of members, divide the membership by two and add one; for a committee with an odd number of members, divide the membership by two and round up to the next whole number.) If less than a quorum of the Committee is present, members may not vote upon action items but may take testimony and public comments so long as the meeting is being conducted in accordance with the Texas Open Meetings Act.

C. Voting

1. Committee members have the right to vote on any subject that is listed on the agenda. However, members must abstain from deliberating or voting on issues that would provide monetary or other gain to the member, or the member's family, or that could present, or reasonably appear to present, a conflict of interest.
2. The Committee may determine procedural matters by majority vote of the members attending the meeting or may use Robert's Rules of Order as a guide to its operations and proceedings.
3. A member may participate and vote by telephone or video conference call as deemed necessary by agency staff.
4. A member may not authorize another individual to represent the member by proxy.
5. For all business except adopting or amending bylaws, a simple majority is needed on a motion duly made and seconded. (A simple majority is defined as more than half of the votes cast by

persons entitled to vote who are in attendance with a quorum, excluding abstentions.)

6. Except for bylaw amendments, Committee recommendations will be adopted pursuant to a simple majority vote on a motion duly made and seconded.

D. Adoption and Revision to Bylaws

1. Bylaws will be adopted and amended pursuant to a two-thirds vote (of members attending the meeting) on a motion duly made and seconded.
2. Committee members or DSHS staff may propose changes to these bylaws. All proposed changes from Committee members, along with the rationale for the changes, will be submitted in writing to the DSHS Committee Contact at least 30 days before the next Committee meeting. The DSHS Committee Contact will ensure an item for bylaws discussion is included on the agenda to be posted on the Secretary of State's Open Meetings website. Proposed changes to the bylaws must be distributed to the members before the meeting for their consideration.
3. The Committee will review the Bylaws by December 31 of every even-numbered year. Committee-proposed amendments that occur as a result of the biennial review will be considered in a meeting and will be passed and become effective based on a two-thirds vote of members attending the meeting, pending review and approval by DSHS and Health and Human Services Commission (HHSC) staff.
4. All proposed changes are subject to review and approval by DSHS and HHSC staff.
5. The Bylaws will become effective as of the date they are adopted by the Committee. The Committee will make note of the date of the adoption or amendment of the Bylaws in its minutes. Members will sign the Statement by Members when bylaws are adopted or amended (see attached Statement).

9. Responsibilities of Members

A. Attendance

Members are expected to attend all meetings in a manner compliant with the Open Meetings Act. A member unable to attend a meeting

should notify the Committee Contact in advance. The Committee Contact will notify the Presiding Officer and appropriate program staff. Members may not send a substitute to attend a meeting in their place.

B. Member expectations

1. Attend meetings;
2. Participate in subcommittees as assigned;
3. Review agendas and other information sent by staff prior to each meeting;
4. Participate in discussions at meetings;
5. Follow agency policy regarding submitting travel arrangements and must submit travel expenses accrued within 14 calendar days of the meeting;
6. Abstain from deliberating or voting on issues that would provide monetary or other gain to the member, or the member's family, or that could present, or reasonably appear to present, a conflict of interest;
7. Attend/participate in an orientation session for the Committee;
8. Complete the Texas Open Meetings Act Training and Public Information Act Training within 90 days of appointment and submit the Certificates of Completion to the Committee Contact. A member who has taken the trainings within the last five years may submit a copy of the Certificates of Completion to the Committee Contact in lieu of retaking the trainings;
9. Sign and submit to the Committee Contact the Statement by Members document (attached) within 30 days after appointment. This document includes a Conflict of Interest Statement and a Nondisclosure Agreement to which Committee members must agree;
10. Notify the Committee Presiding Officer and Committee Contact if a change of status alters the category of membership that the member was filling or if any circumstance occurs that prevents the member from being able to discharge his or her duties;
11. Maintain a high level of integrity that warrants public trust, including complying with all applicable ethics guidance provided by HHSC's Ethics Officers and all aspects of the Texas Open Meetings Act and Public Information Act; and

12. Hold and maintain in strictest confidence all confidential information and all agency-generated information in draft form, until such time as the information or document is released and made public, the DSHS Commissioner has approved the release in writing, or the HHS Ethics Policy permits release. This requirement survives the member's tenure on the Committee. For purposes of these bylaws and the Nondisclosure Agreement, the term "confidential information" includes all information protected by the Health Insurance Portability and Accountability Act (HIPAA), information that has commercial value or use, such as trade secrets, and information communicated in confidence by the HHS System.

Failure to comply with member expectations in Section 8. D. 6-12 above is grounds for dismissal and may result in removal from the Committee.

C. A Committee member may not

1. Claim or appear to represent DSHS or the Committee in any legislative or advocacy activity without written approval from the Committee Presiding Officer and the HHS Ethics Office in coordination with the DSHS Government Affairs Office and the DSHS Committee Contact. A member is not prohibited from discussing a report that has been formally adopted by this Committee, so long as he or she does not purport to represent DSHS. A member is not prohibited from representing him- or herself or another entity in the legislative or advocacy process.
2. Accept payment for any services offered to the member because of his or her position on the Committee.
3. Disclose confidential information or draft information (from any source including grants, requests for proposals, draft rules, and contracts) acquired through his or her participation on the Committee until such time as that information or document is released and made public, the DSHS Commissioner has approved the release in writing, or the HHS Ethics Policy permits release. Members cannot disclose information using any form of communication including written, verbal, and social media.

A violation of any of these items is grounds for dismissal and may result in removal from the Committee.

10. Removal from the Committee

The DSHS Commissioner may remove a member from the Committee for the following reasons:

- A. A member votes or deliberates on an issue that would provide monetary or other gain or that presents a conflict of interest to the member, the member's family, or an entity with which the member is closely affiliated.
- B. A member refuses to sign or violates the Statement by Members, which includes the Conflict of Interest statement and Nondisclosure Agreement, or another Nondisclosure Agreement.
- C. A member does not maintain a high level of integrity that warrants public trust, including complying with all applicable ethics guidance provided by HHSC's Ethics Officers and all aspects of the Texas Open Meetings Act and Public Information Act.
- D. A member changes status that alters the category of membership that the member was filling.
- E. A member claims or appears to represent DSHS or the Committee in a legislative or advocacy activity without approval from the Committee Presiding Officer and the HHS Ethics Office in coordination with the DSHS Government Affairs Office DSHS Committee Contact. (A member is not prohibited from discussing a report that has been formally adopted by this Committee, so long as he or she does not purport to represent DSHS. A member is not prohibited from representing him- or herself or another entity in the legislative or advocacy process.)
- F. A member receives payment for any services requested because he or she holds a position on the Committee.
- G. A member discloses confidential, including draft, information acquired through his or her participation on the Committee not in accordance with the Bylaws.

Decisions to remove a member of the Committee due to violations of this nature will require input from HHS legal counsel.

11. Subject Matter Experts

DSHS recognizes the value of subject matter experts (SMEs) to provide information to the Committee as it develops recommendations and initiatives relative to its charge(s). The primary role of a SME is to provide objective, independent information and analysis to be considered by the Committee.

SME participation will be subject to the request of voting Committee members and will fall within the following guidelines:

- A. A SME may be invited to provide information on specific subjects and topics at the discretion of voting Committee members, the Presiding Officer, and DSHS staff;
- B. An invited SME may be identified by staff, the Presiding Officer, or Assistant Presiding Officer to provide information or analysis during allotted time periods at a specified Committee meeting;
- C. SMEs will participate in questions and answers at the direction of the staff, Presiding Officer, or Assistant Presiding Officer;
- D. All SMEs will participate and serve at the pleasure of the Committee;
- E. SMEs do not hold any official capacity on the Committee and do not have rights of deliberation or the right to vote on any Committee activities or decisions;
- F. SMEs should disclose any conflicts of interest they may have prior to providing information to the Committee;
- G. None of the information or guidance contained in this section shall prevent any individual from participating in or providing comments to the Committee as allowed under the Texas Open Meetings Act.

12. Responsibilities of Support Staff

The DSHS School Health Program will be present at and will provide reasonable administrative and technical support and coordination for all Committee activities. DSHS will coordinate as needed to provide reasonable accommodations and supports needed by a Committee member requiring accommodations to enable him or her to fully participate in Committee meetings and activities.

Staff is expected to perform the following tasks:

- A. Develop effective working relationships with Committee members;
- B. Solicit nominations for membership in accordance with the appropriate HHS procedures;
- C. Serve as liaison between members and operating agencies' staff;
- D. Plan, coordinate, and organize Committee meetings and activities, including:
 - 1. Schedule meeting dates and ensure meeting sites are set up;
 - 2. Notify members of upcoming meeting dates, times, and locations;
 - 3. Develop agenda and support materials for each meeting;
 - 4. Prepare and oversee that the agenda is posted on the Secretary of State's Open Meetings website in a timely manner and on the DSHS and HHS website;
 - 5. Serve as point of contact for the public, including ensuring that contact information, agendas, and meeting support materials are easily accessible on the DSHS and HHS website;
 - 6. Prepare and distribute information and materials for member review;
 - 7. Prepare and maintain Committee records and documentation in accordance with the DSHS records retention policy; and
 - 8. Assist members with travel arrangements and reimbursement.
- E. Coordinate as needed to provide any reasonable accommodations and supports required for a Committee member who has a disability to enable the member to fully participate in Committee meetings and activities; and
- F. Staff may perform other duties within staff discretion provided the necessary resources are available.

13. Compensation and Travel Reimbursement

To the extent permitted by the current General Appropriations Act, a member of the Committee may be reimbursed for his or her travel to and from Committee meetings if funds are available and in accordance with the HHSC Travel Policy. Members eligible for such reimbursement are subject to rates established in the General Appropriations Act.

Staff will assist members in requesting reimbursement. Committee members are responsible for providing the required information (as per instructions provided) within 14 calendar days of the meeting.

A member who would like to seek travel reimbursement must:

- A. Keep accurate record of allowable travel expenses (as per the HHSC Travel Policy) during travel to attend Committee meetings; and
- B. Submit receipts and appropriate documentation to the Committee Contact in a timely manner.

Bylaws approved/amended on _____ by a two-thirds vote
members attending the meeting.

Presiding Officer
Printed Name

Signature

DSHS Committee Contact
Printed Name

Signature

Statement by Members

- The Department of State Health Services and the Stock Epinephrine Advisory Committee are not bound in any way by any statement or action on the part of any Committee member except when a statement or action is in pursuit of specific instructions from DSHS or the Committee.
- The Committee and its members may not claim or appear to represent DSHS or the Committee in any legislative or advocacy activity without approval from the Committee Presiding Officer and the HHS Ethics Office in coordination with the DSHS Government Affairs Office. Committee members are not prohibited from discussing a report that has been formally adopted by this Committee, so long as members do not purport to represent DSHS. Committee members are not prohibited from representing themselves or other entities in the legislative or advocacy process.
- A Committee member may not accept payment for services that are requested because of the members' title or position on this Committee.
- A Committee member shall not accept or solicit any benefit that might reasonably tend to influence the member in the discharge of the member's official Committee duties.
- A Committee member shall not knowingly solicit, accept, or agree to accept any benefit for having exercised the member's official powers or duties in favor of another person.
- A Committee member shall complete the Texas Open Meetings Act Training and the Public Information Act Training within 90 days of appointment and submit the Certificates of Completion to the Committee Contact. A member who has taken the training within the last five years may submit a copy of the Certificate of Completion to the Committee Contact in lieu of retaking the training.
- Nondisclosure agreement. A Committee member may not disclose confidential information or agency-generated information in draft form acquired through his or her Committee membership, unless HHSC has released and made public the information or document, the HHS Executive Commissioner has approved the release in writing, or the HHS Ethics Policy permits release. This requirement survives the member's tenure on the Committee. For purposes of the Nondisclosure Agreement, the term "confidential information" includes all information protected by the Health Insurance Portability and Accountability Act (HIPAA), information that has commercial value or use, such as trade secrets, and information communicated in confidence by the HHS System.
- Conflict of Interest Statement. A Committee member agrees to disclose any personal or private interest that the member or their family have in a measure, proposal, or decision pending before DSHS. ("Personal or private interest" does not include the member's engagement in a profession, trade, or occupation when the member's interest is the same as all others similarly engaged in the profession, trade, or occupation, or if the member merely provides a personal experience, with no personal or private financial interest, in giving feedback on the subject matter.) If there is a direct personal or financial interest in a motion under consideration, the member further agrees to disclose that fact in a public meeting and will recuse themselves from any Committee deliberations or decisions on that matter.

I have been provided a copy of the Stock Epinephrine Advisory Committee bylaws. I understand that as a member of the Committee I must adhere to the bylaws.

Advisory Committee Member Signature

Printed Name

Date

Revisions Tracking Page

| Document Version # | Revision Date | Revisions / Purpose | Author |
|-----------------------|--|---------------------|--------|
| 1 | <<Date original bylaws were adopted>> | Bylaws developed | |
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